MCCAIN), and the Senator from New Hampshire (Mr. SUNUNU).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 52, nays 40, as follows:

[Rollcall Vote No. 189 Leg.]

YEAS—52

Akaka	Feingold	Nelson (FL)
Baucus	Feinstein	Nelson (NE)
Bayh	Harkin	Pryor
Biden	Inouye	Reed
Bingaman	Johnson	Reid
Boxer	Kerry	Rockefeller
Brown	Klobuchar	Salazar
Byrd	Kohl	Sanders
Cantwell	Landrieu	Schumer
Cardin	Lautenberg	Smith
Carper	Leahy	Stabenow
Casey	Levin	Tester
Clinton	Lieberman	Warner
Coleman	Lincoln	Webb
Conrad	McCaskill	Whitehouse
Dodd	Menendez	Wyden
Dorgan	Mikulski	
Durbin	Murray	

NAYS—40

Alexander	Crapo	McConnell
Barrasso	DeMint	Murkowski
Bennett	Domenici	Roberts
Bond	Enzi	Sessions
Brownback	Graham	Shelby
Bunning	Grassley	Snowe
Burr	Gregg	Specter
Chambliss	Hatch	Stevens
Coburn	Hutchison	Thune
Cochran	Inhofe	Vitter
Collins	Isakson	Voinovich
Corker	Kyl	Wicker
Cornyn	Lugar	
Craig	Martinez	

NOT VOTING—8

Allard	Hagel	Obama
Dole	Kennedy	Sununu
Ensign	McCain	

The PRESIDING OFFICER. On this vote the yeas are 52, the nays are 40. Three-fifths of the Senators duly chosen and sworn not having voted in affirmative, the motion is rejected.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. STABENOW). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COBURN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. BAUCUS. I object.

The PRESIDING OFFICER. Objection is heard.

The legislative clerk continued with the call of the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WHITEHOUSE). Without objection, it is so ordered.

Mr. REID. Mr. President, I apologize to everyone for the quorum lasting for so long, but there are certain things I have trouble getting to. Sometimes I need a little downtime to meet with staff, and there are a number of times I don't have an opportunity to do that, and meet with a number of Senators. So I apologize to everyone for not allowing the quorum to be called off. I do that very rarely, but I thought it was appropriate today.

I have a number of things I want to do and I will do that now.

Mr. President, I withdraw the motion to proceed to S. 3297.

The PRESIDING OFFICER. The motion is withdrawn.

FREE FLOW OF INFORMATION ACT OF 2007—MOTION TO PROCEED

Mr. REID. Mr. President, I move to proceed to Calendar No. 434, S. 2035, the Free Flow of Information Act—this is the media shield bill—and I send a cloture motion to the desk. In fact, it is at the desk.

CLOTURE MOTION

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 434, S. 2035, the Free Flow of Information Act.

Harry Reid, Charles E. Schumer, Debbie Stabenow, Christopher J. Dodd, Maria Cantwell, Richard Durbin, Barbara A. Mikulski, Frank R. Lautenberg, Bernard Sanders, Robert Menendez, Patty Murray, Barbara Boxer, Ron Wyden, Ken Salazar, Bill Nelson, Daniel K. Inouye, Amy Klobuchar.

The PRESIDING OFFICER. By unanimous consent the mandatory quorum call has been waived.

Mr. REID. Mr. President, I now withdraw the motion to proceed.

The PRESIDING OFFICER. The motion is withdrawn.

JOBS, ENERGY, FAMILIES, AND DISASTER RELIEF ACT OF 2008—MOTION TO PROCEED

Mr. REID. Mr. President, I ask unanimous consent to proceed to Calendar No. 898, S. 3335, the energy extenders package, and I ask that the clerk report the cloture motion at the desk.

CLOTURE MOTION

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 898, S. 3335, the Jobs, Energy, Families, and Disaster Relief Act of 2008.

Harry Reid, Max Baucus, Bernard Sanders, Christopher J. Dodd, Maria Cantwell, Benjamin L. Cardin, Daniel K. Inouye, Hillary Rodham Clinton, Patty Murray, Ron Wyden, Debbie Stabenow, Patrick J. Leahy, Dianne Feinstein, Richard Durbin, Robert Menendez, Sherrod Brown, Carl Levin.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

Mr. REID. Mr. President, the junior Senator from Oklahoma has a matter he wishes to bring before the Senate.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. I thank the majority leader for the time.

Mr. President, in the bills we did not agree to go to, I have worked with Senator BIDEN on the child exploitation alternative bill, which would protect our children from pornography and Internet exploitation. That bill is at the desk and has been filed.

After working with Senator BIDEN, adding the SAFE Act, which is an act that would decrease the amount of graphic and vile images of child pornography currently available on the Internet and help root out people selling, trading, and displaying images, and by expanding the requirements for the Internet service providers to report on online child pornography, which is a bipartisan bill as well, as were two of these components I never held in the bill, I ask unanimous consent that we call up and pass that bill, as amended, with the concurrence of the majority leader.

The PRESIDING OFFICER. Is there objection?

The majority leader.

Mr. REID. Mr. President, what we have here is one of the most blatant attempts to get a cover for a vote the Republicans can't justify. The Republicans just voted against the bill that had these child pornography and child exploitation provisions in it. A few minutes ago, we had a cloture vote on the motion to begin debate on that bill. The Republicans overwhelmingly voted against it. We got three Republicans to vote for it, each of those running for reelection.

Because they feel bad about siding with big oil over important American priorities, they now want to have it both ways. Here is who they voted against: They voted against Americans with Lou Gehrig disease, they voted against American mothers who suffer from postpartum depression, they voted against justice for people murdered during the civil rights struggle, they voted against expanding programs to keep kids off drugs, they voted against Americans who want to be sure kids are safe when they visit America's beaches and swim in the oceans, and a bill including numerous other important provisions—dealing with strokes, with paralysis. If a Member of my party, a Member of my caucus forced me to vote against so many important priorities based on specious and misleading arguments, I would want a way out too.

So what we have here is a consent agreement, a consent request, I should say, that is about providing cover, not about trying to enact this legislation. To bring up Senator BIDEN's name is, at the very least, unfair, disingenuous. Senator COBURN didn't even bother to talk to the offices whose bills are cobbled together in his unanimous consent request. And in fact he didn't even bother to attend a hearing on this issue the Judiciary Committee held in April.

And because this is about cover and not trying to enact legislation, the bills in this unanimous consent request are not identical to the provisions in the bill they voted against.

So keep in mind what my friend from Oklahoma has tried to do. First, he got his Republican Senators to walk over the cliff, and they are already down there fumbling around trying to find some way to breathe, because it is the water down there, and deep. Now he is saying this package of 34 bills we have—he is taking parts of that out and changing those, not accepting what is in the bill.

Mr. COBURN. Is it my understanding there is an objection to the unanimous consent?

Mr. REID. Yes, I object, Mr. President.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. When we complied with the provisions in S. 3297, we cleared the language with the House. We wanted to be sure that once we passed that bill, the Coburn package, the House would pass a bill instantaneously. But this unanimous consent uses different language, as I have explained to the Chair and those within the sound of my voice.

It is ironic. Last week, my friend from Oklahoma held a press conference railing against passing bills that no one has seen or had a chance to vet. This is what he is trying to do now—what he held a press conference against last week. So I must object, as I have done, to this consent request.

UNANIMOUS CONSENT REQUEST—S. 3297

Mr. REID. I do, however, offer a unanimous consent request that, if accepted, I know would lead to enactment of this important legislation. Not only that, it would deal with child pornography, and it would deal with 33 other issues, all of which are extremely vital and important.

I ask unanimous consent that the Senate proceed to S. 3297, the Advancing America's Priorities Act; that the bill be considered read a third time, passed, and the motion to reconsider be laid upon the table.

Mr. SPECTER. Objection.

Mr. COBURN. Reserving the right to object.

The PRESIDING OFFICER. Objection is heard.

The majority leader.

Mr. REID. Mr. President, I again say that Republicans should be grateful, because we certainly agree, but they should all be very grateful that Senator KENNEDY got out of his sickbed, flew down here against doctors' instructions, came onto the Senate floor against doctors' instructions—because his immune system is very low and he shouldn't have been here—to save Medicare, and a number of Republicans, because they were at the cliff on that one also. But for Senator KENNEDY, they would have voted against that and destroyed Medicare.

Mr. COBURN. Parliamentary inquiry, Mr. President.

Mr. REID. So Republicans refused to allow us to debate and vote on speculation, on——

The PRESIDING OFFICER. Will the Senator yield for a parliamentary inquiry?

Mr. COBURN. Mr. President, was I not recognized to offer two unanimous consent requests, and that the floor was actually mine, other than the objection to the unanimous consent request?

Mr. REID. Mr. President, the Senator was recognized to offer a unanimous consent request. I objected to that and I have the floor.

The PRESIDING OFFICER. The Senator from Oklahoma was recognized in his own right and does maintain the floor.

Mr. COBURN. I thank the Chair.

Mr. REID. I apologize to the Chair and to Senator COBURN.

Mr. COBURN. Mr. President, I would make the point—I understand the majority leader's concern with my actions. My actions are not of impure motives, nor are my attempts to embarrass anyone. But the fact is, we could pass these bills if we weren't struggling with politics. The fact is, if we wanted to do something about it—and I believe many of the Members of this body do—we can continue the game of reducing minority rights or we can truly work to try to work out the problems on the bills. That is what the attempt was. I will not go any further with that.

I will take this time to ask unanimous consent for another agreement—the Emmett Till bill, which I offered multiple times; multiple potential amendments to solve this problem. I met with Mr. Sykes, who is leading this effort. I agree with the purposes of the bill. I have always agreed with the purposes of the bill, and I objected because the Justice Department spent over $400 million in the last 7 years on conferences, and the Justice Department says they can do what we want done for about a third of the amount of the money. So I am willing to offer a way to pass the Emmett Till bill tonight on the floor, a way that allows the Justice Department to take funds from within their other funds and pay for the costs of this bill, which will be about a third less than what we would have authorized, and that will happen in spite of the fact that we do not plan to offer any appropriations bills this year.

The Emmett Till bill could become law and be in effect at the level at which we would all want it by agreeing to the following unanimous consent request, the bill I filed, and I ask unanimous consent it be adopted and passed.

Mr. REID. Mr. President, reserving the right to object, we are at the same place we were just a few minutes ago. This, of course, is not a genuine effort to resolve the issues. This is a genuine effort to obfuscate what we are trying to do here on the floor.

The Emmett Till bill here—in fact, one of the people who were with him the night he was murdered was up in the gallery today. We worked very hard to get this legislation passed. Now my friend from Oklahoma wants to change what the agreement was, that was reported—what passed the House almost unanimously and was reported out of the committee almost unanimously.

This again is a blatant attempt to get a cover vote for a vote the Republicans cannot justify. They just voted against a bill that had the Emmett Till language in it. It had the child pornography language in it. I repeat, because they feel bad about siding with big oil over important American priorities, they now want to have it both ways.

As I said a little while ago, they voted against Americans with Lou Gehrig's disease, they voted against American mothers who suffer postpartum depression. My friend from the State of Illinois—

Mr. COBURN addressed the Chair.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Yes, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. COBURN. I make the note that what we have is the majority leader saying I want cover. I don't cover for anything, I say to the majority leader. I have been out front opposing these bills from the start because they were not paid for or they were not good policy. To claim that my effort to pass this legislation now in a way that both saves money for the next few generations and also will accomplish the very goal that he says he wants to accomplish—that has nothing to do with feeling guilty. I think it is a great victory for the American people today that we did not spend $11 billion and get on a bill that would spend it.

I understand there is a permanent disagreement, both on how we have done this and also on the policy questions, but the fact is, if we want to solve unsolved civil rights violations, the way to do it is this. The way not to do it is to say: We are not going to do it, we are not going to work with you, we are not going to change it.

The whole purpose of not agreeing to the unanimous consent request on the bill in the first place was there is so much waste in the Justice Department. It would be my recommendation that maybe after a few days we take another look at that, and I will work with the authors of the bill in a good-faith effort to try to make both those bills capable of being passed. I know many on your side would like to get the legislation done no matter what.

This is no attempt to cover for anybody. I have too many holds to try to cover for anything.

Mr. SESSIONS. Will the Senator yield for a question?

Mr. COBURN. I will yield to the Senator from Alabama.

Mr. SESSIONS. Senator COBURN, with regard to the Emmett Till bill, you have been open about your objection. This is not a secret hold, is it?

Mr. COBURN. Absolutely not.

Mr. SESSIONS. You worked on it. You spent a lot of your time. You talked to the Department of Justice, you studied the bill, you studied the language in it. You have a sincere concern about the way it was originally written; is that right?

Mr. COBURN. I have a concern with the money authorized in this bill that will be wasted and appropriated when we have not taken care of a large amount of the waste in the Justice Department.

Mr. SESSIONS. In fact, you talked to the Justice Department about it, I believe; is that correct?

Mr. COBURN. I have.

Mr. SESSIONS. You spent a lot of hours of your personal time trying to make this legislation better. Have they told you they needed as much money as the bill originally authorized?

Mr. COBURN. They said they needed one-third of what the bill authorized.

Mr. SESSIONS. The Department of Justice said they can meet the goal with one-third less money than the bill has in it?

Mr. COBURN. That is correct.

Mr. SESSIONS. And you are willing to accept that amount?

Mr. COBURN. And have it paid for out of wasted funds at the Justice Department.

Mr. SESSIONS. I don't think that is an unreasonable position, I would say to my friend the majority leader. I think that is good work, what a good Senator should do. They should ask questions.

You served on the Judiciary Committee, so you were engaged with that discussion when it first came up?

Mr. COBURN. I first raised reservations on this bill when it first came up.

Mr. SESSIONS. On the Child Protection Act, the goal of that was—I served on that subcommittee—the goal of that was to create task forces around the country to exploit computer technology to identify pedophiles and child molesters, a goal which I support and I think you support. But the amount of money just seemed to be drawn out of thin air, one-point-something billion dollars; is that correct?

Mr. COBURN. That is correct. The bill as offered brought that number down to $360-some million, which was never offered to me but was in the bill as it came to the floor.

Mr. SESSIONS. OK. When it came out of the subcommittee, as I recall—and I talked to the chairman of the subcommittee, Senator BIDEN, at length, and our staff talked, and we asked him to bring the amount down.

I served 15 years in the Department of Justice. I know the Presiding Officer was a U.S. attorney also. I know something about how task forces work. We didn't need $1.2 billion. I tried to get that down.

I was placed in an uncomfortable position to either vote for a bill that I supported in general or insist that the number, the amount of funding, be reduced to a reasonable level. Sometimes you wonder, maybe they want to put you in that position. I voted against the bill in committee.

After you raised an objection and placed a hold on it or made clear your objection, the bill has been reduced in amount?

Mr. COBURN. Yes, it has, by three-quarters.

Mr. SPECTER. Will the Senator from Oklahoma yield to me?

Mr. COBURN. I will.

Mr. SPECTER. I have waited more than an hour to speak while the quorum call was on, and we couldn't get the quorum call taken off.

With all due respect, the real issue, which is on the floor now, is not the amounts of these dollars or the virtue of all of the bills you are blocking, but the real issue is whether——

Mr. REID. Is there a question the Senator has for the Senator from Oklahoma?

Mr. SPECTER. The Senator from Alabama spoke at some length without any objection being offered.

I will pose a question to you, Senator COBURN, since the majority leader wants to find some way to stop me from speaking. He didn't stop Senator SESSIONS from speaking. My question to you, Senator——

Mr. REID. Is there a question the Senator from Pennsylvania has?

Mr. SPECTER. My question to you, Senator COBURN——

The PRESIDING OFFICER. Will the Senator from Pennsylvania use his microphone.

Senators may yield the floor for a question.

Mr. SPECTER. The question to the Senator from Oklahoma: Isn't the real issue behind the cloture vote an effort to dislodge the pending legislation on the oil speculation bill? Is it the substance of the legislation which you have opposed and blocked, most of which if not all of which I agree with. But isn't the real point as to what the Senator from Nevada is seeking to do here is to find some way to get off the oil speculators bill?

Mr. COBURN. I thank the Senator from Pennsylvania for his question. I think you accurately assessed it. The fact is, this country has an energy crisis. We have chosen not to address American resources for that. We have chosen to do anything but that, and that is why we have seen bill after bill forcing political votes rather than solving the real problem Americans want the Senate to address, which is how do we stop sending $700 billion of our treasure out of this country every year, knowing we are going to be on carbon-based energy for at least the next 20 to 30 years, and how do we use American resources.

You are absolutely right. That is the real question. That is what we should be about. That is why Republicans stood and said the thing the American people are interested in is us addressing the issues that are impacting them directly today, the $2,400 per family, trying to get to work or get to school.

The question the Senator asked is absolutely right. The real question is energy and trying to take us off energy and run out the clock and not deal with this before we go on summer break.

Mr. SPECTER. My next question to the Senator from Oklahoma is, when the Senator from Nevada rejects the traditional standing of Senators to offer an amendment to any bill at any time—until the past 15 years, majority leaders, both Democrats and Republicans, have adopted this filling the tree to preclude amendments, and the Senator from Nevada says there is insufficient time to take up the amendments. Isn't it true that if the Senate and the House stayed in session during the month of August and did not take the recess, we could take up any number of amendments to give Senators the traditional rights, which had been enjoyed until 1993, when both Democratic and Republican majority leaders have stymied the process by this process of filling the tree?

Mr. COBURN. I think the Senator makes a good point. The answer to that is yes. As a matter of fact, we would have been halfway through this bill had cloture not been filed when it was introduced at the same time, as we just saw on the bills this evening. A bill is introduced, cloture is filed at the moment of introduction, as it was with the Advancing America's Priorities or, as I call it, the Grow Government and Spend More of Your Grandkids' Money bill, the point being we could have already accomplished half of what this country needs had we had an open amendment process that was germane to the energy needs of this country.

Mr. SPECTER. My next question to the Senator from Oklahoma is whether Senator REID was correct when he spoke, on February 28, 2006, as noted in the CONGRESSIONAL RECORD on the Patriot Act Reauthorization:

> I am disappointed that he—

Referring to a Senator who wanted to offer an amendment—

> has been denied that opportunity by a procedural maneuver known as ''filling the tree.'' This is a very bad practice. It runs against the basic rule of the Senate. The hallmark of the Senate is free speech and open debate.

Was the Senator from Nevada correct when he decried and criticized this business of filling the tree to preclude the offering of amendments?

Mr. COBURN. I answer the Senator from Pennsylvania by saying yes, he was. No majority leader should fill the tree, Republican or Democrat. It goes against the best traditions of the Senate. It goes against the tradition of full debate and full amendment.

Our energy problems could be solved tomorrow as far as this bill. We could ask a unanimous consent to withdraw the amendments filling the tree. If we had unanimous consent to do that, we could have open amendments with the provision there would only be germane amendments to the energy needs of

this country. We could do that, but we have moved from debate about what is in the best interests of this country to what is in the best interests of the next political election. That is what this debate is about. It is not about energy. It is not about what is in the best interests of the next two generations. It is not what is in the best interests of the Nation from a national security standpoint or energy security standpoint. It is about what is best for the next election.

We need to get away from that. Regrettably, Republican leaders have used it but never to the extent of 15 times has it ever—it has not been used 15 times in total until the present leader has exercised it 15 times. He has cut off debate and all amendments.

Mr. SPECTER. Is the Senator from Oklahoma aware that I have stated for the record my reason for opposing cloture on the oil speculators bill was not that I did not agree with the underlying approach of legislation to deal with the high prices of oil and the high prices of gas at the pump, but I voted against cloture on that bill, opposed putting the majority leader in a position to move for final passage because I had amendments I wished to offer.

Was the Senator from Oklahoma aware that I have been pressing to get an amendment, along with Senator KOHL, a bipartisan amendment, to bring OPEC nations under the antitrust laws so they could not meet in a room, lower production, lower supply, and thereby raise the price of oil in the international market?

Mr. COBURN. I was not aware of that.

Mr. SPECTER. Is the Senator from Oklahoma aware that I am the principal author of the legislation to provide for the reporter shield, along with Senator SCHUMER and Senator LUGAR?

Mr. COBURN. I am.

Mr. SPECTER. Is the Senator from Oklahoma aware that if that issue goes through the process of the tree filling and cloture is invoked, that legislation will displace the oil speculators bill?

Mr. COBURN. I am aware of that.

Mr. SPECTER. Is the Senator from Oklahoma aware of the detailed effort I made on the legislation involving global warming coming to the floor several times during the week of June 2, listing a number of amendments which I sought to offer, essentially from the Bingaman-Specter bill, and that I was precluded from offering those amendments because the Senator from Nevada filled the tree?

Mr. COBURN. I was.

Mr. SPECTER. Was the Senator from Oklahoma aware of the fact that I voted against cloture on the global warming bill, notwithstanding the fact that I think that is an issue that has to be addressed and worked for more than a year with Senator BINGAMAN, producing the Bingaman-Specter bill, but voted against cloture to advance the bill because I and others wanted to offer amendments to the global warming bill?

Mr. COBURN. I am.

Mr. SPECTER. Was the Senator from Oklahoma aware of that when the Senator from Nevada thwarted the proceedings under the FAA bill, that there were key issues to be decided, such as modernizing air control to move to satellite, to provide for greater safety, and the processing of that bill was thwarted because the tree was filled and, again, a motion for cloture was denied because Senators were not given an opportunity to offer amendments?

Mr. COBURN. I was aware of that.

Mr. SPECTER. Was the Senator from Oklahoma aware that I had two important amendments relating to air control over my State, southeastern Pennsylvania, actually over Delaware, New Jersey, and Pennsylvania, that I had an amendment which dealt with the scheduling, where there were enormous delays on takeoffs and landings because they were overbooked, and that the efforts to change the law on that were thwarted by the procedures adopted by the Senator from Nevada?

Mr. COBURN. I was aware.

Mr. SPECTER. Was the Senator from Oklahoma aware that a number of Senators were on the floor for about an hour today and could not get recognition and had to wait because a quorum call was on and that the Senator from Nevada saw to it that the unanimous consent to take off the quorum was denied?

Mr. COBURN. I was aware of that. I had actually offered unanimous consent to waive the cloture and was denied.

Mr. SPECTER. Is the Senator from Oklahoma aware that there is a determination by this Senator, and I think by more than 40 other Senators on this side of the aisle, to fight these procedural moves come hell or high water, and no matter what legislation the Senator from Nevada offers, if it is legislation similar to the shield bill that I have worked on for a long time, I think it is very necessary, that we are going to rebel against the tyranny of what has been established by the majority leader in following a procedure to fill the tree and then blame Republicans who refuse cloture and exercise finger-pointing backward and forward?

Is the Senator from Oklahoma aware that I and others are determined to do everything we can to stop this procedure, which has undercut the basic purpose of the Senate?

Mr. COBURN. I am. I am very pleased in your effort.

Mr. SPECTER. I thank the Senator from Oklahoma.

Mr. COBURN. I will not take but a moment longer. I think it is fair to allow the majority leader to regain the floor.

The Senate I know and the Senate I studied was not about limiting debate. It was not about having a Rules Committee of one, it was about unlimited debate, germane but unlimited. It was about amendments. It was about using the parliamentary rules we have in a fair and straightforward way to advance what you thought was best for this country.

The majority leader has the toughest position in this body. It is a hard job. There is no question. I defer to his judgment. I am not critical of his judgment. I am sorry for the Senate that we are to the point now where we can only move legislation when it is approved and the amendments are approved by the majority leader and his leadership.

I think that fails the test of our Founders' version of the Senate. I think we will rue the day that we have gone down this path. But I will continue to use every parliamentary maneuver I know to lessen Washington's wasteful spending, to pass good bills and make them better and not to say that just because you do not approve of a unanimous consent request that you do not have something to offer.

The fact is, we have passed 855 bills by unanimous consent. I may have let too many go. But the fact is we negotiated with a lot of people and got a lot of bills through. The frustration factor is part of the Senate. Working together we solve problems, working against each other what we do is we lower the rate of acceptability and confidence in this body to the 9 percent it has today.

My hat is off to HARRY REID for the amount of time he has put in, the amount of effort he puts in it. I would hope he would choose to go a different way, reaching across the aisle, working across the aisle. Everybody's ideas have value. Everybody's input should be offered and there should be real negotiation.

One last comment. This omnibus package of bills had 34 bills in it. There were only three bills that I absolutely opposed, nine bills I never objected to at all. And every other bill in that I made an offer to reach out, offer amendments, offer suggestions. Most of the time it was flatly rejected: We are going to roll over you. You cannot have input.

If that is the way the Senate operates, then we are going to be back here a lot of times in the future. I know, pretty heady times, thinking that we may not have the power to do that. But that power, if it goes away, will not last for very long being in absence. It will be back. The American people get it.

This country is on a crashing course, financially. Fiscally, we cannot handle what is happening to us. Until we start handling the problems now that are going to be the crisis in the future, we will fail the American public.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I am going to be very patient and try to run through the accusations and statements made by my friend from Oklahoma and my friend from Pennsylvania.

The Emmett Till bill was introduced in February of 2007. It is now July of

2008. How much more patient can Senator BIDEN, members of that committee and, frankly, how much more patient can I be?

I revere the work done by JOHN LEWIS and others; civil rights leaders in those early days. I have listened to him talk at great length in a private, personal basis about what he went through. We had here at a DPC luncheon within the last few months a woman who proceeded to go down there with JOHN LEWIS and others, a White woman from here, in Virginia.

She believed what she had heard, that this was a country that was open to everyone. She, too, was beaten, thrown into prison, as were hundreds of other people. But, sadly, Emmett Till was murdered, as were lots of others. Most of those civil rights murders have been unsolved. That is what this is all about. Let's get to the bottom of it.

Make all the excuses you want, but we have had lots of time to deal with the legislation. No matter how many times my friend from Oklahoma talks about the huge cost of this package of bills, he can say it once, he can say it 1,000 times, it does not matter. The bill costs nothing. It is in the CONGRESSIONAL RECORD. I introduced it today. The head of the Congressional Budget Office said it costs nothing.

So any talk about saving huge amounts of money is nothing but wasteful talk because it does not. To have other Senators come here and say: Well, what we want to do with this Emmett Till bill you could do it for one-third of the amount.

That is what the legislative process is all about. There are three other opportunities for us to do that. All we are doing is authorizing that so the legislation can move forward. You can do it at the subcommittee level in appropriations, the full committee level of appropriations, and then when the bill gets to the Senate floor.

For Republicans to come and cry crocodile tears about my tyranny on the Senate floor is laughable. I have had to file almost 90 cloture motions to try to stop the filibusters they filed. We have had to file cloture on things they agree with because they are stalling for time. They want to maintain the status quo.

I would say to anyone, including my friend from Pennsylvania who comes to the floor and says we are going to do this no matter what because we want to stay on the Energy bill, I offered a unanimous consent not once but twice, saying we would stay on the Energy bill. We could finish this package of bills just like that and move to energy. We would never get off that. That was the consent I offered. So these are all excuses, real excuses.

The question is, The Republicans have decided to stick with big oil, the oil companies that last year made $250 billion. That is what they have decided to do. It is a decision they made. It was calculated. They decided to do that.

There is not a Democrat over here who does not say we should do more with the domestic production. We have said that time and time again. Now, I can be threatened with a lot of things, but do not ever consider that anyone here is going to outwork me. I do not care if we are here during the August recess. If you want to talk politics, we do not have a single Democratic Senator who has an election contest that is at all troubling. There are 11 of them over there.

If they want to stay here during the August recess, that is fine with me. The only thing I have planned would take me about 20 minutes to get out of. I have a trip to Afghanistan. It is something I feel I need to do. I can do it some other time. I am taking five or six other Senators with me. They can do it some other time. So do not come to the floor and say we are going to stay here in the August recess. Who suffers more for doing that, Democrats or Republicans? They do, I would think.

If they have any common sense—I know they do—those Senators who have election contests would rather be home than here. So do not suggest that somehow I am afraid to be here. We may not be doing energy legislation during that time, but we have so much to do.

We have the Defense authorization bill. If we don't get the media shield, we have that too. We have a number of other important issues we have to do. Consumer product safety, we have to do that conference report. So there are plenty of things we can do during the August recess, if the Republicans would rather be here. So don't say: We are going to really get you. We are going to ask you to stay here during the August recess.

Also, understand this: We have had a difficult problem with the President now for some time. We don't let him have recess appointments because they are mischievous, and unless we have an agreement before the recess, there will be no recess. We will meet every third day pro forma, as we have done during the last series of breaks. We don't need a vote to recess. We will just be in pro forma session. We will tell the House to do the same thing. So let's not be threatening about staying in during the August recess.

People ask: Why do the Democrats think Republicans may be somewhat mischievous in amendments they offer? Let's look at recent history. We have tried in good faith to legislate on bills, one of them we thought would be a good idea. Let's have an open amendment process. The first amendment they came here and offered was something that has been panned by every editorial writer in America, an 18-cent tax holiday. Remember, in Nevada we paid about $3.30 for a gallon of gas. Everyone knew the McCain issue to deal with the energy crisis was laughable. But that was the amendment they offered.

Then we decided, well, there is another piece, maybe they will not do it this time. But, bango, one of the first things they did was offer their own GI bill of rights because JOHN MCCAIN said the bill that is now law is too generous. So, again, we got off track on that.

All of my friends lamenting what the present status of the Senate is, all they have to do is look back at recent history. Presidential elections have consequences. Presidential elections always cause problems on the Senate floor. It is difficult to legislate when one Senator can do so much damage.

I would say to my friend from Pennsylvania, he read from the CONGRESSIONAL RECORD something I said in 2006. I said that. But if he were logical—and I think he is—he should have read the rest of that because, if you understand, he voted to go with Senator Frist that filling the tree was just fine. Suddenly, he has found religion. Back then, he didn't have it. Senator SPECTER voted with Senator Frist to fill the tree.

NOPEC—he talks about that. I know a little bit about that piece of legislation. I believed strongly, with Senator KOHL and Senator SPECTER, that OPEC should be subject to the antitrust laws of this country. I have said so publicly, and I tried here to bring that matter to the floor. I asked consent that we would be able to do that. Who objected to it? The Republicans objected to it. We didn't. We wanted to legislate on that. They wouldn't let us.

My friend from Pennsylvania has joined the throng to vote against Medicare, speculation, the energy package of tax extenders, LIHEAP, global warming—all these issues, and this package today.

I say that people who voted today against this package decided they wanted to have a vote to satisfy big oil. And to use the lame excuse that HARRY REID was a tyrannical guy and was stopping them from legislating. They have stopped themselves from legislating because they want to maintain the status quo. That is what this is all about. President Bush is for the status quo, and his people in the Senate are marching along behind him.

Again, I repeat, you go home and explain, I say to my Republican friends, you go home and explain to your constituents, the next person you see in a wheelchair, go up to them and say: You know, I voted against you because HARRY REID was being a tyrannical guy in the Senate.

You go home to someone whose family is bereaved because their mother, sister, or friend had a baby, and they were so depressed that they are now in a mental ward of some hospital or they committed suicide. You go home and explain to that family that is the case.

You go home and explain to someone who is a stroke victim or a family who has a stroke victim: I decided to vote against you because HARRY REID didn't give me an amendment to vote on whether OPEC should be subject to the antitrust laws.

You go home and tell people—there is going to be 5,600 new people this year

who will be diagnosed with Lou Gehrig's disease. From the time they are diagnosed to the time they die is an average of 18 months. You go home and tell them and their families, their friends: I voted that way because HARRY REID wasn't handling the Senate right. I had a chance to vote on it, but I didn't like the way he was doing it. So you understand, HARRY REID was the bad guy. I am a good guy, even though I voted against your best interests.

You go home and tell people who are struggling every day raising children, trying to keep them away from evil people who do things that are very horrible with pornography with children, they exploit children—we have legislation here that would stop that. You go home, go to a PTA meeting and tell them: Well, we had something that would help this pornography with children, but REID, I just don't like the way he runs the Senate.

You can go home and talk about the 34 pieces of legislation. You go home, you Republicans, go home and explain to your constituents how you did that. It is pretty hard to do, but you can go ahead and do it.

If any Member of my party suggested to me or the members of my caucus to vote against so many priorities based on specious and misleading arguments, I would want a way out too. I understand the rights of my friend from Oklahoma. He has a right to do what he has done. I think he is wrong. But I do say this: His Republican colleagues know him as well as I do, and what he has done is no surprise. But I am just saying they should join together, as they did earlier this year, when there were over 90 pieces of legislation he had held up for the same baseless reasons he is holding this stuff up.

They voted because they said: Enough is enough. Well, enough is enough. They have decided they want to go along with the crowd. Eric Hoffer, somebody I thought was a great author, just had a birthday. He is dead, but they announced it was his birthday, a longshoreman, philosopher. He wrote a lot about what happens in crowds; people go along with the crowd. He wrote about it. He was President Kennedy's favorite author.

These folks over here are going along with the crowd, just like Eric Hoffer said people do on certain occasions. They will regret having done so.

I do the very best I can, trying to be fair, fair to everyone in my caucus and fair to everyone in the Republican caucus. I have never been a bully. I have been involved in a few fights in my life, but I very rarely ever picked a fight. I certainly haven't picked a fight here. I want to get along. That is my personality. So I am not upset at anyone, other than to say: How foolish what is going on here in the Senate. I say, with a clear conscience, I am not the cause of it.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Mr. President, without prolonging this discussion endlessly, I want to take a moment to congratulate my friend from Oklahoma for his courage in making an extraordinarily important point to our colleagues, which is the way you pass legislation on a consultative basis. I would say to my friend from Oklahoma, I remember when we were in the majority and I was the second ranking member of our conference, having to tell our Members frequently that the only way we could get anything accomplished was to take tough votes, and that was the challenge of being in the majority. If you want to move something along, you have to give the minority an opportunity to have their votes.

There was always grumbling about it: Can't you do anything? Invariably people would say: I am up this cycle; I can't possibly do this.

In order to make a law rather than just check the box, the process in the Senate means the minority gets to offer amendments. What is going on here is a fundamental shifting of the way the Senate has historically acted. I know the majority leader is under a lot of pressure from his Members frequently to avoid tough votes. I have been there. I have heard those demands. But if your operating mode is to avoid all tough votes, you never accomplish much.

We haven't given up on this side. Our hope is that this Congress could actually be remembered for having done at least a few things that were important to the country. So I want to shift now to the issue that we have been sort of sparring back and forth on over the last week or so, and that is the energy issue. I owe the majority leader a report on a leadership meeting I had just a few hours ago. We had a good discussion. I think my membership and my leadership team believed that the consent agreement he offered earlier today went a long way toward meeting the requirements that many of us on this side of the aisle had believed were sort of a bare minimum threshold of credibility to actually have a chance of making a law rather than checking a box. When we finally end our public discussion tonight, I just want to say to my friend the majority leader publicly, I would like to have a discussion privately about how we might go forward. It sounds to me like we are very close to having a consent agreement that would give us a chance to operate on a major issue in the way the Senate has historically dealt with significant issues.

I want to end my comments tonight on a note of optimism, that we might be close to doing something important for the country on a very large issue. Again, on the question of the way the Senate functions, I congratulate not only the Senator from Oklahoma but the Senator from Pennsylvania for their strong insistence that they be allowed and that all Senators, really, be allowed to be part of the legislative process. It is really the only way we can actually pass laws, rather than just score points with each other. I think the American people would like to see us do something significant about the No. 1 issue in the country.

I end the evening publicly—and I will continue conversations with the majority leader privately—on a note of optimism that we might well be on the verge of getting an agreement that would be acceptable to both sides and give us a chance to go forward.

I yield the floor.

The PRESIDING OFFICER. The majority whip.

Mr. DURBIN. Mr. President, I would like to ask the Senator from Pennsylvania if he is seeking the floor to speak. Perhaps we can reach a time agreement and he can speak and I could speak as well. I would like to ask him, does he have a period of time for which he is seeking recognition?

Mr. SPECTER. I would like 10 to 15 minutes tops.

Mr. DURBIN. Mr. President, I yield 15 minutes to the Senator from Pennsylvania and ask unanimous consent that I be recognized immediately thereafter.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I thank the senior Senator from Illinois. I had sought recognition to try to speak about an hour ago, 5 past 6, but we were in a quorum call. If there is somebody watching on C–SPAN, they probably don't understand what is going on on the Senate floor. But a quorum call can't be taken off if one Senator objects. As I said earlier, the majority leader objected until he got to the floor and took off the quorum call. Then I made a number of comments in a discussion with the Senator from Oklahoma.

For those who do not know the Senate procedures, I could only ask him a question, could not make any statements. Although the Senator from Alabama engaged in a considerable amount of comments without questions, the majority leader objected when I sought recognition. So I now want to address a few basic points in what is going on.

The institutions of the Senate are very important to this country. That is because this body has been called the world's greatest deliberative body, because under the precedents, any Senator can offer any amendment to any bill at any time, virtually. There are some limitations, but that is the valid generalization. If you combine that with unlimited debate, this forum has been a place where ideas can be expressed, the public can hear them, the public can understand them, and momentous matters of public policy are decided by the Senate because of our ability to bring up these issues. Nobody can limit it. That has made America great. The Senate is a very important institution.

Now, regrettably, in the past 15 years—and it has been the fault of both Democrats and Republicans; and I have not hesitated, as the record shows, to criticize the Republican caucus. I did so in some detail during the judicial battles during the Clinton administration, where I thought the Republican caucus was wrong in denying confirmation. I have voted in an independent way and have disagreed with Presidents of my own party and the majority of my own party.

In noting what has happened on this procedure of filling the tree—that is an arcane expression, but let me take a moment to explain it.

When a bill is filed, called up by the majority leader, the majority leader then has what is called primacy of recognition. If two Senators seek recognition, and the majority leader is one of them, he has the right to recognition first. So he then offers an amendment to the pending bill. Then he offers another amendment in the second degree. I won't go on to detail the kinds of amendments, but the consequence is that no other Senator can offer any amendment. That is called filling the tree.

Then, when the majority leader has done that, he moves for cloture. That is to cut off debate. Senator REID did not invent this process. It had been used very sparingly until 1993, only 15 years ago.

In one Congress, for example, the 101st Congress, 1989 to 1990, the Democratic majority leader, George Mitchell, did not use it at all. Then, in the session from 1993 to 1994, Senator Mitchell used it nine times. Then it got to be in vogue. Senator Lott used it nine times in the session from 1999 to 2000. Senator Frist then used it nine times in 2005 and 2006. Senator REID has now used it 15 times, and it has had the consequence of precluding Senators from offering amendments.

Let me be very specific. The global warming bill came to the floor on June 2 of this year. I had a whole series of amendments I wanted to offer, and came to the floor and talked about: No. 1, emission caps; No. 2, cost containment safety valve; No. 3, the energy-intensive manufacturing competitiveness amendment; and No. 4, the steel process gas emissions amendment.

But what happened? Senator REID filled the tree on June 4. I could not offer those amendments. Then, on June 6, he moved for cloture to cut off debate. Cloture was defeated 48 to 36. Then the bill was taken down.

A similar thing happened on the FAA bill. It was called up on April 28—a very important bill because it was going to change air control practices using a satellite system to provide for greater safety. There were important amendments I wanted to offer on scheduling. We have overscheduling at the Philadelphia International Airport. People wait a long time for takeoffs and circle a long time on landings. I could not offer that amendment. There were also significant problems on flight patterns, and I could not offer that amendment.

Now, regrettably, this has gone on on many bills for a very long time.

Then, we have the oil speculators bill. It is important the Congress deal with the escalating prices of oil and gasoline at the pump—heating oil. What has happened on the bill? There was a motion to proceed filed on July 17. On July 23, the tree was filled. Then the motion for cloture on the bill was defeated on July 25.

So here we have no action. The only action is a lot of finger pointing. Senator REID points at the Republicans, and the Republicans point back. Senator REID says the Republicans killed the bill because they would not invoke cloture, and Republicans say that was caused by Senator REID's filling the tree and not allowing us to offer amendments.

Well, I am sorry Senator REID is not on the floor at the moment. But he made a speech about explaining this to our constituents, and I do agree with him on that one point that it is going to be very hard to explain to our constituents why we have done what we have done.

We had a vote on LIHEAP, low-income heat and energy assistance, last week. Senator REID called that bill to the floor to put Senators such as ARLEN SPECTER on the spot. I have been a proponent of funding for that second to none. As chairman of the Appropriations subcommittee having jurisdiction over that subject, enormous sums were added. But had that bill gone forward, the oil speculators bill would have been displaced.

Now, it is very important in the long run that oil prices be dealt with for those people who need LIHEAP, who need heat in the winter in Pennsylvania and Maine and other States, or air-conditioning in the summer. It is going to be a job to explain it, there is no doubt about that. But I am willing to undertake that risk, that difficulty. I have town meetings all over Pennsylvania every year and will have a chance to talk to my constituents about it, and I am prepared to deal with it.

Senator REID said on the issue of suffering, if we are in in August, the Republicans will suffer more than the Democrats because there are more Republicans who are up for election. Well, I submit that the question of suffering by the American people is more important than whether there is more suffering by Democrats or Republicans in the Senate.

I do believe it would be salutary and appropriate for the Congress to stay in session during the month of August providing we deal with real issues and providing we do not have weeks, as the Senate has had, where there are only one or two votes. We have plenty of time to deal with these issues if we allow Senators to offer amendments and if we then proceed to consider them, so that I call upon the majority leader to keep the Senate in session providing we take up the issues of oil prices and gasoline prices and providing we do not engage in the same circular, dilatory finger-pointing practices which have characterized the Senate for months now during the time when Senator REID has offered 15 instances where the so-called tree has been filled and no other amendment can be offered by any Senator.

When I quoted Senator REID about his denouncing the filling of the tree, his comment was that I had supported Senator Frist, the majority leader, and it is not true. I did not support him on that. I think Senator REID was exactly right when he objected to the procedure to foreclose amendments by saying that the filling of the tree ''is a very bad practice.'' These are Senator REID's words:

> It runs against the basic nature of the Senate. The hallmark of the Senate is free speech and open debate.

Senator CHRISTOPHER DODD, Democrat of Connecticut, had this to say on the subject on May 11 of 2006:

> . . . to basically lock out any amendments that might be offered to this proposal runs contrary to the very essence of this body. . . . when the amendment tree has been entirely filled, then obviously we are dealing with a process that ought not to be. . . . the Senate ought to be a place where we can offer amendments, have healthy debate over a reasonable time, and then come to closure on the subject matter.

This is not a new position I have taken. More than 18 months ago, on February 15, 2007, I introduced S. Res. 63 to change the standing rules of the Senate to bar the majority leader from filling the tree.

So, in conclusion, I do believe the rules of the Senate and the way we have functioned to allow any Senator the opportunity, virtually, to offer any amendment at any time on any bill is a very precious procedure in our democracy and it is worth fighting for. It is worth fighting for even if it is going to be misunderstood on the litany of items which Senator REID talks about. Illustratively, the people who have LIHEAP will be better served in the long run by a Senate where Senators can offer amendments and deal with the problems of the high price of oil in the long run by amendments such as the one Senator KOHL and I have offered to bring OPEC under the U.S. antitrust laws.

When we talk about where the suffering exists, we ought to focus a little more on the American people who don't have the money to go on vacation in August with the high gasoline prices or with the high prices generally to take vacations at all. I am not anxious to come back in August, but I am prepared to do so, and I think it would be in the national and public interest to do so if we tackle the issue. The August session ought to be for oil and gas prices, and that would be worth our while.

I thank the Senator from Illinois for agreeing to this time.

I yield the floor.

The PRESIDING OFFICER. The majority whip is recognized.

Mr. DURBIN. Mr. President, I am trying to visualize somewhere in America where a father walks into his living room and says to his son: What are you watching?

The son says: Well, I was watching C–SPAN. I was watching the Senate.

The father says to the son: What were they talking about?

The son says: Filling the tree.

The father says: What is that?

The son says: I don't have any idea.

The father says: You would think they would talk about things that were important to us. Turn off the television. Watch the cartoons.

I listened to this debate and wondered how we can get tied into knots, just as we have today. I will tell you that we had 34 bills before us today. They were in a package. These are 34 bills that were considered noncontroversial bills—bills that had passed the House of Representatives without dissenting votes, in many cases, or overwhelmingly on a bipartisan basis. These are bills reported out of our committees—including the Judiciary Committee Senator SPECTER and I serve on—unanimously. These are bills which, in the ordinary course of business in the ordinary history of the Senate, wouldn't have caused a ripple because they had been agreed to and written and both sides said: This is a good idea; let's do it.

However, under the rules of the Senate—and it is a unique institution—any Senator can object to any bill. They can stop the train and say: Don't go forward, don't consider the bill, if one Senator—just one Senator—should object. Well, in this case, the Senator from Oklahoma, Mr. COBURN, objected.

Senator COBURN is a friend of mine. We use that term a lot around here, but this is for real. He is a friend of mine. He is the ranking Republican on a subcommittee that I chair, the Subcommittee on Human Rights and the Law of the Judiciary Committee, and we have done a lot of work together. In fact, he has been the cosponsor of some bills that have been enacted and signed by the President which I initiated and he joined me, so we truly do have a good working relationship.

I think he has a peculiar fiscal philosophy, and here is what it is. There are two kinds of bills that we consider. One is an authorization bill, and the other is an appropriations bill. Let me use an example.

That same father I mentioned earlier says to his son one day: Why don't you go out and buy a bicycle.

The kid says: You mean I can buy a bicycle? Great, he says.

At that point, the son says: Can I have some money?

The father says: No, we don't have the money, but you can buy one if you want to.

The kid says: I don't have the money.

That turns out to be the important question—not whether you have the permission to buy the bicycle but whether you have the money to buy the bicycle. Permission—authorization. The money to make it work: appropriation. So the 34 bills here are all permissions to spend money. That is it. They don't provide any money. That is another part of the process.

I think that is the critical difference which Senator COBURN does not acknowledge. We are authorizing these. We are permitting these things to occur, but we are not spending the money for them. That comes later. We have a finite, limited amount of money to spend in our Federal budget and we will decide: Will this be the priority or will it be something else? Senator COBURN believes that if you give permission, all the money is going to be spent. Historically, that never happens, but that is his philosophy, that is his point of view. So he objected to some 34 bills.

UNANIMOUS CONSENT REQUEST—S. 3297

Now, it is my understanding that there is a consent script available which I would like to propound before Senator SPECTER leaves the floor.

Of the 34 bills which were included in S. 3297 which was considered today, Senator COBURN has come to the floor and asked that 1 or 2 of the bills be modified, changed, and passed. I wish to make sure it is clear for the record that we are asking consent on our side, unanimous consent that the Senate proceed to S. 3297, the bill in its entirety, that the bill be read three times, passed, and the motion to reconsider be laid upon the table, and that any statements be printed at the appropriate place in the RECORD as if read.

Mr. SPECTER. Mr. President, on behalf of Senator COBURN, who could not be present, on his behalf, I am objecting.

The PRESIDING OFFICER. Objection is heard.

Mr. DURBIN. Mr. President, the bills I just asked to be passed and the ones which were not passed earlier today, some 34 bills, were permission bills, authorization bills. I think they were meritorious and valuable and very important—for some families in America, more important than maybe anything else we would consider.

What kind of issues do they take up? You have heard it here on the floor: Lou Gehrig's disease. Just down the block from where I live in Springfield, a fellow I practiced law with had a son who contracted Lou Gehrig's disease. He didn't last long. His wife would come to me begging that we do more in medical research so that her son would be spared. When it became obvious he couldn't survive, she still pushed for more research, saying no family should ever have to go through this again. Well, we understand that, all of us do—anyone who has had an illness in the family—and that is what the bill did. The bill would establish a registry of Lou Gehrig patients around the United States to track them, to gather information, to try to find out a way to find a cure.

Now, who is going to object to that bill? Well, it turns out that in the House of Representatives, the bill was passed 411 to 3—overwhelmingly passed. It came to the Senate in May of last year, over a year ago, and was reported by one of our committees, the HELP Committee, on December 4 of last year, and that is when Senator COBURN objected to it and put a hold on the bill. He didn't want it to go forward. I think this is a good bill. I don't know who would argue against it, but one Senator did, so it became the top bill on our list of 34.

Most people remember Christopher Reeve, who played Superman in the movie and then got involved in an equestrian accident and was paralyzed and spent the rest of his life pushing for more research and more work to deal with paralysis. Well, there was a bill introduced that pushed for paralysis research and rehab at the National Institutes of Health. It was so overwhelmingly popular that it passed the House with a unanimous vote, by voice vote. No one dissented. It came over here, and Senator COBURN said: No, I am stopping that bill—a bill that Senator COCHRAN of Mississippi and Senator KENNEDY of Massachusetts offered involving stroke victims for comprehensive systems to treat these stroke victims to save their lives and to save their faculties. It passed by a voice vote in the House of Representatives with not a single dissenting vote. When it came over here, despite support by our Senate committee, Senator COBURN objected.

The Melanie Blocker Stokes MOTHERS Act, this is one I am familiar with. It deals with women suffering from postpartum depression. Sadly, many of these women are not only sad but resort to suicide. This bill was trying to work out a way so that new mothers would have someone to speak to.

I met with some of those mothers in my State who have been through postpartum depression. It turns out everybody is focusing on the new baby and how beautiful it is, and mom is over there as blue as can be, not going to see another doctor for some time. Well, she will see a pediatrician with the baby, and we were trying to find a way for pediatricians to be sensitive to this and try to help deal with depression before it got more serious. That is what the bill is all about. It passed the House 382 to 3 on October 15 of last year. Senator COBURN held it up. He said he didn't want this bill to go forward.

The Vision Care For Kids Act, this one establishes a State grant for the Centers for Disease Control to help kids be tested to make sure their vision is good and to help them get glasses if they need it. You would think there is enough there, but there isn't. A lot of kids failing in the classroom just can't see the blackboard or read

the computer in front of them. This is why this is necessary. It passed in the House by a voice vote unanimously in October of last year. The lead sponsor, incidentally, is a Republican—Senator BOND of Missouri—and Senator COBURN held up the bill.

The list goes on and on. In the Judiciary Committee, efforts to establish and reauthorize programs for runaway kids; the Emmitt Till Unsolved Civil Rights Act to try to bring to justice those who killed civil rights workers so many years ago; an effort for funding mental health courts to deal with mental illnesses, one of the important elements when it comes to crime in this country; the Child Pornography Prosecution Act—all of those bills, incidentally, passed out of the committee, which Senator COBURN serves on, and then he held up the bill after it passed out. It is a long list of bills. Drug Endangerment of Children. All of these bills are designed to deal with real-life problems and issues, and Senator COBURN objected to every single one of them. It was his right to do it.

So we brought these bills together with many others and said: Certainly the Senate, understanding these are bipartisan measures with strong bipartisan support, would want to bring these to the floor and vote on them. Senator COBURN could have voted no. If that is what he wants to do, it is his right to vote no, but that isn't what he wanted to do. He wanted to preclude the opportunity for anyone else to vote on this bill; he put a hold on the bill.

We had a test rollcall on this earlier today, and if you followed the debate earlier, you would know that only three Republicans joined us on the Democratic side. We didn't get the 60 votes we needed. This package of bills, all the things we mentioned, and many other items, unfortunately, are not going to go forward.

Now, it is not right that bills that are so important, that have strong bipartisan support, that have been carefully worked on, won't even get the chance to pass. I think it is unfortunate. It is unfortunate that a number of Republican Senators, even those who cosponsor these bills, would not come forward and join us in this effort. I don't know that we will have the time to get back to this, but I hope we will at some point. Senator REID has said, and rightly so, we are running out the time. We just can't keep doing this over and over.

The last point I wish to make is there has been a lot of talk about suffering here. Most of the people who are suffering here are staff who have to weather these storms of oratory on the floor of the Senate. Senator REID brought up that issue because some people are threatening we are going to stay in session all the way through August to deal with energy. Senator REID made the point that it is no hardship for him, nor for our side of the aisle if that happens, if that is what we end up doing, and that, in fact, there are many others on the other side of the aisle who are anxious to get home for political reasons in a pretty tough election year. That was the point he made. He didn't diminish the suffering the American people are feeling all across this country, of families who are trying to pay gasoline bills. I hope tomorrow will see a better day and a more reasonable approach.

We have tried repeatedly to bring up an energy bill and offer the Republicans a chance to bring up their amendments, we would bring up our amendments, subject them to a 60-vote margin, and let the better amendment win. They rejected that last week. I hope they will reconsider. I hope they will understand, as we do, that it is much more important for us to take up bills such as the ones that were objected to today so that some families across America with genuine concerns can have their concerns addressed by the Senate.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COBURN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COBURN. Mr. President, I will take a few minutes to add to the legitimate complaints my colleague from Illinois, the majority whip, raised. Currently, in this country, we spend $29 billion researching ALS and other motor neurological diseases. The CDC says we don't need an additional registry. Their quote:

> The CDC already has the authority to create a registry under the Public Health Service Act—S. 1382 is not necessary to achieve the purpose of the bill. The goal of a registry is to create lists of patients with ALS so that government has records of the incidence and prevalence and researchers have lists to find patients for research.
>
> The goals of a registry can be achieved without a registry. The National Institutes of Health already reports on the prevalence of ALS, ''As many as 20,000 Americans have ALS, and an estimated 5,000 people in the United States are diagnosed with the disease each year. . . .''

Scientific experts think a registry for ALS is a misguided use of resources. According to the CDC, ''Putting patients in contact with medical researchers is a worthwhile goal, but a registry is not a means to accomplish it.'' There are better ways of putting patients in contact with researchers. For example, a quick search on www.clinicaltrials.gov reveals many ongoing clinical trials related to ALS and a new recruitment effort called ''ALS Connection.''

We increased funding last year for www.clinicaltrials.gov. So it is not about not wanting to help people. The question is, are we going to spend $75 million on another bureaucracy for ALS or spend $75 million to increase the pure research associated with that disease?

Mr. DURBIN. Will the Senator yield for a question?

Mr. COBURN. I wish to finish my statement first. But I will play fair and yield to the Senator when I am finished. So I will be here.

A large amount of resources is associated with the registry. We have registries, but they are not comprehensive. I identify with the families and the people who have ALS. I have had patients and some in my family who have had it. The hope is we would find a cure or a treatment to slow the progress of it. If we spend $75 million on a registry, which the CDC and NIH both say we don't need, that is $75 million we are not going to spend on research.

One of the things that didn't come up in the debate today is let's take this $10 billion and get rid of $10 billion worth of waste, and increase NIH from $29 billion to $39 billion a year. It would make a big difference in lots of diseases.

Let me talk about the Christopher and Dana Reeve bill. To want to help people who have suddenly become, or were for a long period of time, a paraplegic or a quadriplegic is a noble cause. According to HHS and CBO, the only thing this bill will do that is not already being done—the only thing it will do—is allow us to name some buildings and facilities after Christopher and Dana Reeve. I am not against additional research in those areas. But if we are going to do it, we ought to get rid of wasteful spending somewhere else. It is the same with ALS. If we are going to spend an additional $75 million, let's take it from some of the waste. I understand the difference in agreement I have with my colleague from Illinois in terms of authorization versus appropriations. But it is that very difference in agreement that got this country $10 trillion in debt, that helps account for the fact we are going to have the highest deficit in our history this year.

Common sense has to come back to Congress. We cannot keep authorizing bills and turn a blind eye to deauthorizing things that aren't working. We use a quaint little argument that it doesn't spend any money. No, it doesn't, until you appropriate it; but if you appropriate it for a new bill and you are still appropriating for the old—which we do—all you have done is grown the size of the Federal Government and made it less efficient and more imprudent.

I believe there is a case to be made that we ought to operate the Government finances the way families operate theirs. We ought to have to make hard choices. I know from the 109th Congress that this body doesn't like to do oversight. It doesn't like it. We don't like to do the job of making sure the money is spent well, that it has metrics on it. By the way, neither of these two bills has any metrics on it to

measure whether they are successful or accomplish anything. There is no way for us to know that we have made an actual improvement for the people under these two disease categories.

I think it is fair game for us to talk truthfully and very clearly about what the differences are, in terms of what the Senator from Illinois said. It is not about not wanting to help people; it is about wanting to help more people. Do you know what. We can do more research on ALS and more to help paraplegic and quadriplegic people, and more to help our kids and grandkids. The way we can do that is being very wise and frugal with the money that comes to Washington. Quite frankly, we are not doing that. So the debate isn't about setting up somebody who is injured and should have our care and attention. The debate isn't that somebody doesn't care or does care. The debate is how best to solve the problem: the status quo in Washington that doesn't solve the problem, continuing to do what we have always done—authorizing new spending and never getting rid of the old, never looking at it or fixing it.

I also put forward one other argument: If authorizations don't matter in terms of spending, then there should be no objections to my offering a deauthorization to other programs that don't matter. If authorizations don't matter, then if I deauthorize something else, that won't matter either.

So we have this wonderfully circular argument that says spending is only spending when we spend it, but if you want to decrease spending in an authorization bill by offsetting other authorizations, that is spending and you are cutting. You cannot have it both ways. It is about how do we live within our means? How do we, in fact, guarantee these great opportunities—and we still haven't spotted all the problems in front of us as a nation—how do we guarantee that they go on to the next couple of generations?

This isn't about paralyzed people or ALS; it is about changing the culture of the Senate and the Congress to start meeting the expectations of the American people. The expectations are that we will start thinking long term and start thinking about their kids. We need to get rid of the waste and be much more efficient in the programs we have. To do less than that is dishonest with those very people who we say we care about in this bill.

This bill is a $5 million museum in Poland. How many people in America think today, with a $600 billion deficit, and them struggling to buy gasoline and food, and milk at $4 a gallon—the same price as gas—that we ought to spend $5 million across the seas? I agree there is a good argument about our foreign policy in terms of our involvement with Iraq. That is fair game—building museums, forgiving debt, sending another $24 million to the U.N., which won't tell us a penny of anything they spent, or where they spend it, because we cannot see it, and we are already spending $5.6 billion there a year.

This is a real debate. I hope the debate stays at the level that doesn't accuse anybody of not supporting what is in the best interests of every American. The question is, how do we do that? What we have heard on the floor today is that if you voted against this bill, you don't care about women with depression. I have delivered 4,000 babies. I have treated postpartum depression. The flippant way we talk about that—this is a serious disease that is being treated. There are multiple programs out there.

I will also make a final point, and then I will yield to my friend from Illinois. Under the Health, Education, Labor, Pension parts in this bill, on only two out of six bills I had a hold on. There was the Melanie Blocker Stokes MOTHERS Act. I didn't have a hold. It has never been offered. The Vision Care For Kids Act; I didn't have a hold on that. It has never been offered. On prenatal and postnatally diagnosed conditions, I am a sponsor of that. The Stroke Treatment and Ongoing Prevention Act, I never held that bill, not once. Under the judiciary bills, the Mentally Ill Offender Treatment Crime Reduction Act, I never held it. The Drug Endangered Kids Act, I never held it. The Effective Child Pornography Prosecution Act, I never held it. Enhancing Effective Prosecution of Child Pornography Act, I never held it, not once. National Sea Grant College Program Amendments I never held. Federal Ocean Acidification Research and Monitoring Act, I never held it.

So what is it about wanting to work to meet the needs of everybody having input? The question is, can we do things better or do we have to keep doing them the old way? Does it have to be that if you read the bill and if you have concerns, do you let them go and say it doesn't matter? That is how we got into the energy crisis we are in, and the housing crisis.

I don't believe we can let things go anymore. We have to look at them, and if we think they ought to be fixed, we ought to have the courage to say they ought to be fixed or paid for.

With that, I yield to the Senator from Illinois.

The PRESIDING OFFICER. The assistant majority leader is recognized.

Mr. DURBIN. Mr. President, I apologize publicly on the record if I said at some point that Senator COBURN was holding a bill that he wasn't. I certainly don't question his statements in the RECORD about which bills he held. I will tell you that there is a small group—and he is the most visible member of that group on his side—that is now in the practice of routinely holding routine bills. If he is not the reason why some of these were held, I hope the RECORD will be clear. But it won't, because they are secret holds—except for you, and I acknowledge that you are very open when you hold a bill.

Mr. COBURN. If the Senator will yield for a second.

Mr. DURBIN. Yes, without losing my right to the floor.

Mr. COBURN. I write a letter the day I hold it to the committee and the majority leader and minority leader and the sponsors. They know what I am holding. I will make one point to you. Most of the bills we hold at first are held so we can read them. It is a strange thing. We ought to read the bills before we say let them go.

Mr. DURBIN. I acknowledge that. As I tried to make clear, the Senator from Oklahoma does this differently and more honorably than some. Some sneak around and don't want people to know. I have the same attitude. If I am going to put on a hold, I want them to know why. Maybe they will change or withdraw a nomination. But it is very open and clear. I try to do it that way.

Having said that, let me say, if you object to the Lou Gehrig registry, it passed through the committee you serve on, it was reported to calendar in December of last year with an amendment. It must have been debated in committee to some extent. You had a chance then to amend it, to vote against it, and from what I hear you say on the floor today, you would vote against it today. That should be your right. I would defend your right to do that.

But I think it reaches a different level where you say I don't have a right to vote for it if you are opposed to it, and that you are going to put a hold on it and won't let the measure come to the floor for a vote.

If the measure came to the floor for a vote and the Senator from Oklahoma had spoken against it and voted against, he would have done the right thing. But to deny me a chance to vote for this bill, I think that goes too far. I do.

Whether we go through one or the other, I can discuss each one the Senator brought up, but that is the underlying issue. Should I have the right to deny him even a chance to vote on this bill? That is the position he has taken on some of these bills. That, to me, is troubling.

I will say in terms of fiscal sanity, I do wish to make a statement for the RECORD. The current administration inherited a surplus. The current administration inherited a budget surplus. It was the first time in 30 years that the Federal Government had a surplus.

Bill Clinton, for whatever his faults might have been, put America's economic house in order. We started generating a surplus in the Federal Treasury. Why? Some taxes were raised, some spending was cut, but it was done in such a way that it worked. The economy grew dramatically. Jobs, new businesses, housing grew dramatically, and we reduced the deficit of this country by generating a surplus.

This President inherited that situation and brought to it his own George W. Bush economic philosophy. I would

not attribute it to the Senator from Oklahoma unless he wants to say that was his philosophy, too, but it was a philosophy that, best said, the best way to give this economy more is to give tax breaks to the wealthiest people in this country, cut taxes for the wealthiest people and a thousand flowers will flourish.

Unfortunately, September 11, 2001, occurred. We found ourselves spending a lot of money for the security of this Nation and then found ourselves in two wars. This President continued to call for tax cuts in the midst of a war. He became unique in American history. No President has ever done that.

The Senator from Oklahoma, the fiscal conservative that he is, must acknowledge it is mindless to have tax breaks in the midst of a war. You know the war is an add-on cost to your overall economy and budget, and then to cut revenue—that is what he did. As a result of that action by the President and his decision to initiate a war in Iraq that has gone unpaid for now into its sixth year, we have now piled up the biggest deficit in the history of the United States of America.

The Senator from Oklahoma is vigilant on bills that come that may cost us money in the future, but his party and his President have led us into the deepest deficit in our history. Having inherited a surplus, President Bush drove us into a fiscal mess, where we are borrowing money from all over the world. The last thing I will say is this, and I know the Senator from Oklahoma is never going to agree with me, but I want to make a point. If every one of these 34 measures that he and his side objected to today had passed, it would not add a penny to the deficit tomorrow, not a penny, and not next year either. We have to pass the spending bill. These bills give permission for a museum. These bills don't spend a penny for a museum, not one.

I am on the Appropriations Committee. We sit there, and they give us a finite pot of money and say: Take your pick. You want some new programs? Go ahead, fund them, but you cannot fund the old programs if you fund the new ones. You have a finite pot of money. Make your choices.

That is what happens in appropriations and on the floor of the Senate. That is a point which the Senator and I have debated repeatedly and probably will never resolve between us. But we have a genuine difference of opinion, and the only thing I have supporting me is a statement in the RECORD from the Office of Management and Budget saying I am right, he is wrong. Don't take it personally, but it was put in the RECORD.

I say to the Senator, I don't think it was right what happened today, that we stopped consideration of 34 bills. If he wanted to have his recorded vote as no on any one of those bills, it was his right to do it. But to stop me from trying to promote treatment of people with Lou Gehrig's disease and paralysis, because I think these are good bills, I do not think that is appropriate.

Today, we tried to get the Senate to rule the other way, and they did not. The Senator's side prevailed. But only three Republicans would join us, and now these bills are not likely to be passed.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I thank the Senator from Illinois. I thank him for his debating skills and his heartfelt positions.

I guess the first thing I would say is the Appropriations Committee spends $875 billion every year that is not authorized. The Senator from Illinois knows that.

The second thing I would say is there is no ability to amend any of these bills in the appropriations process, unless you are on the Appropriations Committee. So if you are not on the subcommittee, you can't amend it. If you are not on the main committee, you can't amend it.

Last year, we couldn't amend anything because the omnibus bill came to the floor without any ability to amend it. So we haven't had any opportunity to amend it. It is whatever the appropriators say goes. There is no amendment with that.

I am not going to get into the debate. I am as disgusted with Republican spending priorities as the Senator from Illinois is. I will correct the record on real accounting principles. We had 1 year, and 1 year only, of a true surplus, 1999. The rest of the years we didn't have a surplus, if you count what we borrowed from Social Security.

I would not defend any of the spending of this President or this Congress, but I will make it known the President cannot spend the first penny until Congress passes the bills. I note that over the last 18 months, his party has not been in charge. A different party has been in charge. The bills that have gone to him have been controlled by the majority party.

Look, both of us admit that our children are in tall weeds right now if we don't start doing something about our fiscal situation.

The final point I will make is most of these bills would take less than an hour. Every one of them I have communicated on and I am happy to see on the floor. Give me the right to offer one significant amendment and one amendment for every billion dollars. I will debate it for 15 minutes, have two votes, and we will be done with the bills.

Nobody is withholding anybody's right to vote for a bill. The majority leader can put any bill he wants on the floor at any time, with my agreement to never try to dilatate, never try to spread it out, to only bring pertinent amendments that are germane and do that in a very short period of time. He knows that. The Senator from Illinois has known that. That has been the way I work. I don't play the games of political position to spin something.

My hope is—and I have a great relationship with the Senator from Illinois. I value his friendship. He is not ''just my friend,'' he is a friend. It is not the collegial statement of the body, it is DICK DURBIN is my friend. My hope is that when DICK DURBIN and I can pass three significant bills out of our subcommittee that make a real difference in the world of human rights, that if we can do that, then certainly the Senate can come together on energy and all these other bills. My hope is we will do that.

I do not want to delay our staff or the Presiding Officer any longer.

I yield the floor.

MORNING BUSINESS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO VINCENT P. FARRI

Mr. BYRD. Mr. President, I wish to commend Mr. Vincent P. Farri on his promotion to Lieutenant with the United States Capitol Police. Mr. Farri, a native of Maryland, joined the Capitol Police on January 31, 1989. After initial training at the Federal Law Enforcement Training Center he worked with the Capitol Division Building Patrol, and performed general duties until 1993. In 1993, Mr. Farri was assigned to the uniform protective detail for the President pro tempore of the Senate. I came to know Mr. Farri during this time and observed that on a daily basis he executed his duties in a highly professional, diligent and courteous manner.

In 1998, Mr. Farri served as a senior patrol officer in the Capitol Building, and occasionally worked as an acting sergeant, making rounds and supporting officers at their posts. While performing in this capacity, Vincent Farri distinguished himself on July 24, 1998. On that fateful day, an armed assailant entered the Capitol and suddenly took the lives of two Capitol Policemen. Officer Farri, hearing shots from the floor above, immediately ran to the scene where he came upon the fallen officers, and assisted in apprehending the gunman. All those who work in and visit the Capitol owe deep gratitude to the police men and women who serve and protect us, and we are especially grateful for the service rendered by Vincent and the sacrifice of his fellow officers on that day.

In September, 1998, Mr. Farri was promoted to the rank of Sergeant and worked with the First Responder Unit of the Capitol Division for approximately 10 years. His collateral duties